

COLIN M. RUBICH
Assistant U.S. Attorney
U.S. Attorney's Office
James F. Battin U.S. Courthouse
2601 Second Ave. North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989
Email: Colin.Rubich@usdoj.gov

FILED

OCT - 4 2018

Clerk, U.S. District Court
District Of Montana
Great Falls

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	CR 18-101-BLG-SPW
Plaintiff,	SUPERSEDING INDICTMENT
vs.	CONSPIRACY TO POSSESS WITH
JOE ROY MICHAEL, and	THE INTENT TO DISTRIBUTE AND
JOSHUA JOCK CLAUSE,	TO DISTRIBUTE HEROIN
Defendants.	(Count I)
	Title 21 U.S.C. § 846
	(Penalty: Mandatory minimum five to 40
	years of imprisonment, \$5,000,000 fine,
	and at least four years of supervised
	release)
	POSSESSION WITH INTENT TO
	DISTRIBUTE HEROIN
	(Count II)
	Title 21 U.S.C. § 841(a)(1)
	(Penalty: Mandatory minimum five to 40
	years of imprisonment, \$5,000,000 fine,
	and at least four years of supervised
	release)

	<p>CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE METHAMPHETAMINE (Count III) Title 21 U.S.C. § 846 (Penalty: Mandatory minimum ten years to life imprisonment, \$10,000,000 fine, and at least five years supervised release)</p> <p>POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE (Count IV) Title 21 U.S.C. § 841(a)(1) Title 18 U.S.C. § 2 (Penalty: Mandatory minimum ten years to life imprisonment, \$10,000,000 fine, and at least five years supervised release)</p> <p>POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME (Count V) Title 18 U.S.C. § 924(c)(1)(A)(i) (Penalty: Mandatory minimum five years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years supervised release)</p> <p>CRIMINAL FORFEITURE Title 21 U.S.C. § 853(a)(1) and (2) Title 18 U.S.C. § 924(d)</p> <p>TITLE 21 PENALTIES MAY BE ENHANCED BY PRIOR DRUG- RELATED FELONY CONVICTIONS</p>
--	---

THE GRAND JURY CHARGES:

COUNT I

On or about June 27, 2018, at Park City, in Stillwater County, in the State
and District of Montana, and elsewhere, the defendants, JOE ROY MICHAEL and

JOSHUA JOCK CLAUSE, knowingly and unlawfully conspired and agreed with each other and other persons, known and unknown to the Grand Jury, to distribute, and to possess with the intent to distribute, in violation of 21 U.S.C. § 841(a)(1), 100 or more grams of a substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 846.

COUNT II

On or about June 27, 2018, at Park City, in Stillwater County, and elsewhere in the State and District of Montana, the defendants, JOE ROY MICHAEL and JOSHUA JOCK CLAUSE, knowingly possessed, with the intent to distribute, 100 or more grams of a substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1).

COUNT III

That beginning in approximately January of 2018, and continuing until on or about September 4, 2018, at Billings and within Yellowstone County, and at Townsend and within Broadwater County, in the State and District of Montana and elsewhere, the defendants, JOE ROY MICHAEL and JOSHUA JOCK CLAUSE, knowingly and unlawfully conspired and agreed with other persons, known and unknown to the Grand Jury, to possess with the intent to distribute, in violation of 21 U.S.C. § 841(a)(1), 500 grams or more of a substance containing a detectable

amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 846.

COUNT IV

That beginning in approximately January of 2018, and continuing until on or about September 4, 2018, at Billings and within Yellowstone County, and at Townsend and within Broadwater County, in the State and District of Montana and elsewhere, the defendants, JOE ROY MICHAEL and JOSHUA JOCK CLAUSE, knowingly possessed, with the intent to distribute, 500 grams or more of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and did aid and abet in the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT V

That beginning in approximately January of 2018, and continuing until on or about September 4, 2018, at Billings and within Yellowstone County, and at Townsend and within Broadwater County, in the State and District of Montana and elsewhere, the defendants, JOE ROY MICHAEL and JOSHUA JOCK CLAUSE, knowingly possessed a firearm in furtherance of drug trafficking crimes that may be prosecuted in a court of the United States, namely conspiracy to possess with intent to distribute methamphetamine, and possession with intent to distribute

methamphetamine, as alleged in counts III and IV above, in violation of 18 U.S.C. § 924(c)(1)(A)(i).

FORFEITURE ALLEGATION

Upon conviction of any of the offenses set forth in counts I through IV of this indictment, the defendants, JOE ROY MICHAEL and JOSHUA JOCK CLAUSE, pursuant to 21 U.S.C. § 853(a)(1) and (2), shall forfeit to the United States any property constituting and derived from any proceeds obtained, directly and indirectly, as a result of the violations and any property used and intended to be used, in any manner and part, to commit and facilitate the commission of the offenses, including:

- \$16,900.00 in United States currency found at XX Hartland Street North, Billings, Montana;
- \$1,883.00 in United States currency found on CLAUSE;
- various firearms and ammunition found at XX Hartland Street North, Billings, Montana; and
- the firearm and ammunition found with MICHAEL in his vehicle in Townsend, Montana.

The United States of America shall be entitled to forfeiture of substitute assets, pursuant to 21 U.S.C. § 853(p), if any of the property that constitutes and is derived from the proceeds traceable to the offenses set forth in counts I through IV:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty.

Upon conviction of the offense set forth in count V of this indictment, the defendants, JOE ROY MICHAEL and JOSHUA JOCK CLAUSE, pursuant to 18 U.S.C. § 924(d), shall forfeit to the United States any firearms involved and used in any knowing violation of said offense.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

for

KURT G. ALME
United States Attorney


JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney

Crim. Summons _____

Warrant, _____

Bail, _____

In fed custody ✓✓

Arraignment set

10/11/18 @ 9:00 am
Blqs- Judge Cavan